

**RESPONSES TO COMMENTS ON THE INITIAL STUDY FOR THE  
COYOTE CREEK TRAIL MASTER PLAN  
CITY OF SAN JOSÉ, APRIL 2011**

**Letter from Santa Clara County Roads and Airports (Letter 1):**

**Comment 1A:** The review of the Mitigated Negative Declaration for the subject project is complete and we have the following comments:

Roads & Airports will need to review and approve any connection, or revised connection, the Creek Trail makes to Montague Expressway.

**Response 1A:** The comment is noted. Plans will be sent to County Roads and Airports during the final design process.

**Letter from California Public Utilities Commission (Letter 2):**

**Comment 2A:** As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

**Response 2A:** The project will increase pedestrian traffic in proximity to rail lines, but has been designed with pedestrian and bicyclist safety in mind. CPUC will be consulted during the final design process of the project. This comment does not refute any of the conclusions of the Initial Study.

**Comment 2B:** The proposed trail undercrossing beneath a railroad trestle will require a General Order (GO)-88B application from the CPUC for this project.

**Response 2B:** The project will obtain all required permits. No environmental issues are raised in this comment.

**Comment 2C:** The interim on-street trail alignment would expose trail users to hazards associated with the at-grade UPRR crossing on Brokaw Road. Before the proposed engineering study is initiated, please contact Felix Ko, Utilities Engineer at (415) 703-3722 for requirements of the study.

**Response 2C:** CPUC staff will be contacted during the final design stage of the project. No environmental issues are raised in this comment.

**Letter from Santa Clara Valley Water District (Letter 3):**

**Comment 3A:** Table 6 of the Biological Resources in the Mitigated Negative Declaration (MND) and MMBIO 1.1 in the Initial Study (IS) indicates a minimum replacement tree size of 15 gallon or 24-inch box. Containerized locally native plants for revegetation offered by revegetation nurseries are typically smaller and younger than conventional nursery container stock, usually 1-gallon equivalent or smaller. The 1-gallon size containers grown from seeds or cuttings harvested from the donor plants require long lead times and should be considered in the construction schedule. If the 15 gallon or 24-inch box trees are to be used, contracting with a nursery 3 years in advance will be necessary. It should be noted that specifying the larger 15 gallon or 24-inch box material is inadvisable due to the 'root' to 'shoot' ratio (large canopy on a small root mass), the poor root quality resulting from long-term container culture.

**Response 3A:** Mitigation plantings will be the smaller sizes noted in this comment and will be contract grown from plants harvested in the watershed. This comment does not refute any of the conclusions of the Initial Study.

**Comment 3B:** Section IV of the Biological Resources in the MND and the MMBIO 1.1 notes that "Trees planted within the riparian corridor of Coyote Creek must be native species, appropriate for the Coyote Creek riparian habitat." For clarity, the document should specify the use of locally native species which is consistent with the City of San Jose primary restoration goals defined in the "Riparian Restoration Action Plan" (November 2000) and the "Guidelines and Standards for Land Use Near Streams" developed by the Water Resources Protection Collaborative which the City of San Jose was party to. When available, the revegetation plans should be submitted to the District for review to ensure compatibility with the District's future flood protection project along Coyote Creek. Please note that mitigation plantings should be installed outside of District owned property.

**Response 3B:** Please refer to Response 3A. Final revegetation plans will be submitted to the District for review and comment once they are prepared.

**Comment 3C:** The proposed pedestrian bridge at Notting Hill Drive should be designed to accommodate the District's future flood protection project. The levee at the mobile home park will need to be raised and it is anticipated that a 20 foot wide maintenance road will be necessary.

**Response 3C:** The Notting Hill Drive Bridge and approach ramp adjacent to the mobile home park will be designed to accommodate the future flood protection project. Plans will be sent to the SCVWD for review and comment during the final design stage of the project.

**Comment 3D:** In reference to the Hydrology section in the IS, it should be noted that the project area is within the inundation area from failure of Anderson Dam (see <http://www.valleywater.org/services/InundationsMap.aspx>). This is a less than significant impact as the District regularly maintains its dams to ensure that they operated safely. Anderson Dam is currently under operational restrictions based on



recently discovered seismic conditions; these restrictions ensure that downstream areas will remain safe in the event of a large earthquake.

**Response 3D:** As noted in this comment, Anderson Dam is regularly maintained and the amount of water the reservoir contains is restricted. Therefore, the project area will be safe in the event of an earthquake that affects the dam structure. The information in this comment does not result in additional impacts to the proposed project than those identified in the Initial Study and is included in the administrative record of the Initial Study.

**Letter from Caltrans (Letter 4):**

**Comment 4A:** As lead agency, the City of San Jose is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully disclosed for all proposed mitigation measures. The project's traffic mitigation fees should be specifically identified in the environmental document. Any required roadway improvements should be completed prior to issuance of project occupancy permits. While encroachment permit is only required when the project involves work in the State Right of Way (ROW), the Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's California Environmental Quality Act (CEQA) concerns prior to submittal of the encroachment permit application. Further comments will be provided during the encroachment permit process if required; see the end of this letter for more information regarding the encroachment permit process.

**Response 4A:** The City will follow the Caltrans encroachment permit process. This comment does not refute the conclusions of the Initial Study and does not pertain to the environmental impacts of the project.

**Comment 4B: *Environmental Planning***

The trail must allow sufficient clearance and access for Department vehicles and equipment at Interstate 880, the I-880 off-ramp, and US Highway 101 overcrossing structures (see MND page 22, Section 3.2.2.2). An encroachment permit to the City of San Jose from the Department will be required for the trail undercrossings at I-880, the I-880 off-ramp, and US Highway 101 (see MND, page 26, Section 3.4).

A maintenance agreement will be required between the City of San Jose and the Department for maintenance of the trail undercrossings at I-880, the I-880 off-ramp and US Highway 101. Maintenance of the trail undercrossings includes activities such as graffiti removal, trash cleanup, removal of makeshift encampments, and drainage (see, MND, page 26, Section 3.4).

**Response 4B:** Please refer to Response 4A. As described on page 22 of the IS/MND, sufficient clearance for maintenance vehicles will be provided at the proposed undercrossings, where possible. The project will include a maintenance agreement with Caltrans as described in this comment. No environmental issues are raised in this comment.

**Comment 4C:** Erosion control measures must not introduce plant species listed noxious or invasive (see MND, page 84, Section: 4.7.2.1). Precautions must be taken to not spread noxious or invasive plant species, if these species are found in or adjacent to the construction areas. Such precautions include, but are not limited to, daily inspection and cleaning of equipment. Also, precautions must include the development and implementation of eradication strategies should noxious or invasive plant species be found in the construction areas.

**Response 4C:** Erosion control measures are described in the Initial Study in both the biology section (4.4, page 62) and the hydrology section (4.10, pages 103-104). These measures are included in the project to reduce erosion impacts to a less than significant level. As described on page 58-59 of the Initial Study, a Riparian Mitigation Plan will be prepared in coordination with the regulatory agencies, based on the permit requirements and consistent with the mitigation measures identified in the Initial Study. It is expected that all disturbed areas will be reseeded with a native seed mix immediately after tree/vegetation removal to reduce the potential for noxious or invasive plant species to generate in these areas. Monitoring will be conducted for 10 years after construction.

**Comment 4D: *Community Planning***

Underpasses are most effective when they convey a feeling of openness to the trail users. To encourage commuter use of the trail, which would reduce vehicle trips on the state highways, at least 10 feet of vertical clearance from the trail underpasses is recommended. Also, providing trail entrances and exits that fan outwards provide safety and security to trail users, by giving them a clear line of sight into and out of the undercrossings. Also, increase illumination for safety and security by using brightly colored paint or gloss-finished tiles, as well as vandal resistant daytime and nighttime lighting fixtures.

**Response 4D:** As stated on page 22 of the Initial Study, the minimum clearance of the undercrossings between the trail elevation and the bottom of the roadway structures would be eight feet. Where possible, the project will provide adequate vertical clearance to accommodate SCVWD and City maintenance vehicles. Undercrossings will be lighted for safety reasons. This comment does not refute the conclusions of the Initial Study.

**Comment 4E:** The Department suggests that there be a crosswalk at the at-grade access point on Mabury Road. The crosswalk should have a pedestrian actuated signal, which would indicate an alternative route for trail users who may be uncomfortable entering the undercrossings due to safety and security concerns. The Department also suggests that the striping in the crosswalks at Ridder Park Drive/East Brokaw, East Brokaw/Oakland Road and at Oakland Road/Schallenberger Road be refreshed with new paint for pedestrian safety. As a part of the interim trail, the Department suggests that there be a class I multi-use path on the north side of East Brokaw Road between the proposed trail access point and the signalized intersection at Ridder Park Drive, so that southbound cyclists can cross to the bicycle lane on the other side of East Brokaw Road from the trail access point.



**Response 4E:** The recommendations included in this comment will be considered during final project design and do not refute the conclusions of the Initial Study.

**Comment 4F: *Cultural Resources***

The Department is in agreement with the findings and mitigation measures in the Cultural Resources section of the MND. If ground-disturbing activities are planned within State ROW as part of this project, these mitigation measures will need to be expanded to include State land. If there should be an inadvertent archaeological or burial discovery within State ROW, the Department's Office of Cultural Resource Studies shall be immediately contacted at (510) 286-5618. A staff archaeologist will evaluate the finds within one business day after contact. The Department requires review of any potential data recovery plans within State ROW.

**Response 4F:** The cultural resources mitigation measures in the Initial Study pertain to the entire project alignment, including lands within State ROW. If a discovery is made within the State ROW, the Caltrans Office of Cultural Resource Studies will be notified immediately.

**Comment 4G: *Encroachment Permit***

Work that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process.

Office of Permits  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

See the website link below for more information.  
<http://www.dot.ca.gov/hq/traffops/developserv/permits>

**Response 4G:** Please refer to Response 4A.

**Letter from VTA (Letter 5):**

**Comment 5A:** First, VTA would like to express its support for this project and commends the project's plans to provide grade separation at ten locations. This project is included in the bicycle element of VTA's Valley Transportation Plan 2035, the Bicycle Expenditure Program. These features will vastly improve the facility as an important nonmotorized transportation corridor. However, the plan to operate this facility as a park "consistent with the existing City of San Jose's Trail Rules" and to close it one hour after sunset to one hour before sunrise severely comprises this function. VTA also has comments on the relation of this project to the BART Extension to Berryessa and the proposed interim trail.

**Response 5A:** These comments are noted. San José currently permits trail access from sunrise to sunset. Staff is investigating federal and regional guidance regarding expanded rules of operations to support bicycle commuting. A determination about this matter has yet to be made; therefore, the proposed Master Plan includes trail hours consistent with the City's current set of rules. Undercrossings will be lighted.

**Comment 5B: Restricted Hours of Use**

The project's proposed hours to be closed from one hour after sunset to one hour before sunrise. While at first glance this might not seem to significantly affect its transportation function, it in fact would significantly reduce its role as a transportation facility and severely reduce the numbers of users. There are several reasons why the restricted hours would have a significant impacts on the trail's transportation function, as explained as follows:

Socio-economic equity: There are many workers in San Jose that do not have typical office hours, especially those work in the service sector. These jobs extend into (or even begin in) the evenings or early mornings, during the time when the trail would be closed. For these workers, biking and walking are not just alternative modes of travel, but the only affordable means to get around. There are also many colleges and other institutions that offer evening classes. These affected groups will be unable to utilize the Coyote Creek Trail for at least one end of their trip, and therefore might choose to not bike or walk at all.

Consistency: The restricted hours of use are not consistent with VTA's Bicycle Technical Guidelines which state, in Section 9.1.3, page 9-2 *Bike Paths that are used for transportation (i. e. virtually all paved trails and many unpaved trails) should be open 24 hours a day just as roads are.*

The restricted hours of use are also inconsistent with the statement in Initial Study that the project provides "alternative means of transportation.....and.... enhances the viability of trails and mass transit as commute options".

**Response 5B:** Please refer to Response 5A. Per current City rules, the trail is not open 24 hours a day. This does not mean it does not provide commuting options. This is not an environmental issue.

**Comment 5C: Funding:** The statement that "the proposed creek trail project is the construction of a recreation facility" should be used carefully. This statement plus the operation of this trail as a park with its restricted hours of use will prevent the project from receiving Federal transportation funds as well as State of California Bicycle Transportation Act funds, and possibly regional Transportation Development Act Article 3 (TDA) and Transportation Funds for Clean Air (TFCA) funds.

**Response 5C:** The trail project is seeking federal funding and its description as a recreational facility does not preclude it from also being a transportation corridor. This comment does not raise environmental issues or refute the conclusions of the environmental analysis in the Initial Study.



**Comment 5D:** In sum, the restricted hours of use diminish the benefit that the trail could have in the community both for neighborhood connections, air quality, energy use, reductions in traffic, and improvements in health. The restricted hours would disproportionately impact members of the community with service jobs and severely limit the project's eligibility for transportation funding. We urge you to consider ways to keep the trail open 24 hours a day.

**Response 5D:** Please see responses 5A, 5B, and 5C.

**Comment 5E: BART Silicon Valley Extension**

VTA is designing, constructing and operating the BART Silicon Valley Berryessa Extension Project with a planned Berryessa Station located between Berryessa Road and Mabury Road east of the San Jose Flea Market. Construction activities would begin in 2012, with revenue service planned for 2018. VTA has developed a Berryessa Station Bicycle and Pedestrian Master Plan in conjunction with the City of San Jose, including bike lanes, shared use trails, bicycle parking and an indoor bicycle storage room. VTA encourages the City of San Jose to coordinate the design and construction of the Coyote Creek Trail project with future Berryessa BART Station bicycle and pedestrian facilities. The Berryessa Extension includes the widening of Mabury Road up to the Flea Market south parking lot driveway and improvements to the existing signalized intersection. VTA requests the City of San Jose coordinate the Coyote Creek Trail at-grade access point on the north side of Mabury Road with planned Berryessa BART Station improvements at that location. VTA requests continued coordination with the City of San José and the San Jose Flea Market on the proposed Coyote Creek Trail "access points that will coincide with the future circulation network" and provisions for "connections to the future BART station."

**Response 5E:** The construction of the trail as preliminarily designed, would not preclude the construction or operation of the planned Berryessa BART Station. The proposed trail would facilitate pedestrian and bicycle access in the project area. The City will continue to coordinate with VTA to ensure that the trail project is compatible with the future BART Station. No environmental issues are raised in this comment.

**Comment 5F: Interim Trail**

The interim on-street alignment is circuitous, adds 0.4 mile to the route and routes walkers and bikers through two signalized intersections, further adding to their delay. VTA would strongly prefer to see a creek side alignment rather than the interim on-street alignment and would like to do whatever we can to help the City of San Jose resolve this issue so that an interim alignment is not needed.

**Response 5F:** The interim trail is intended to serve as a temporary solution until the Parcel L property ownership is resolved. The City appreciates VTA offer to help. This comment does not raise any issues regarding the environmental analysis in the Initial Study.

**Letter from Caltrans dated June 10, 2011 (Letter 6):**

**Comment 6A: *Design***

The layouts must show the typical cross-section and profile of every trail segment. Also, the proposed project must comply with the Americans with Disabilities Act.

**Response 6A:** Typical cross-sections of the proposed trail are shown in Appendix A of the IS/MND. Cross-sections and profiles for each trail segment will be prepared during the final design stage. As noted on page 7 of the IS/MND, all components of the trail would be constructed in accordance with the Americans with Disabilities Act (ADA).

**Letter from Caltrans dated June 17, 2011 (Letter 7)**

**Comment 7A: *Hydraulics***

1. O'Toole Avenue/Interstate 880 Off-ramp Undercrossing: please discuss potential impacts caused by any adverse drainage due to the proposed retaining wall adjacent to the bridge abutment (see Enlargement #3).

**Response 7A:** The retaining wall at the O'Toole Avenue undercrossing would have a maximum height of approximately eight feet. All undercrossings will be designed to direct stormwater runoff to adjacent vegetated areas or other non-erodible permeable areas such as the gravel shoulders. Drainage culverts may be included at certain locations along the trail alignment. These details will be determined during the final design stage. The project would not adversely affect drainage such that localized flooding or substantial erosion would occur at any location, including the O'Toole Avenue undercrossing.

**Comment 7B:** 2. U.S. Highway 101 Undercrossing and Pedestrian Bridge: please discuss potential impacts caused by any adverse drainage due to the proposed retaining walls (see Enlargement #10).

**Response 7B:** Please refer to Response 7A. No drainage impacts are expected to occur in the vicinity of US Highway 101, given that the project will be designed to avoid localized flooding or substantial erosion.

**Comment 7C: *Right-of-Way***

Power sources for lighting the undercrossings beneath the Department's structures and easements from the power sources to the meters will require encroachment permits from the Department.

**Response 7C:** Please refer to Response 4A.